

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

WAYNE A. PORRETTI,

Case No. 2:20-cv-00249-APG-BNW

## Plaintiff

## ORDER

V.

**DIRECTOR OF NEVADA DEPT. OF  
CORRECTIONS, *et al.*,**

## Defendants

## I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*, including both an inmate account statement for the past six months and a properly executed financial certificate.

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this

1 order, Plaintiff must either: (1) file a fully complete application to proceed *in forma*  
2 *pauperis*, on the correct form with complete financial attachments, including an inmate  
3 account statement for the past six months and a properly executed financial certificate,  
4 in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action  
5 (which includes the \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
9 (ECF No. 1-1) but will not file it at this time.

10 DATED: February 7, 2020

11   
12 UNITED STATES MAGISTRATE JUDGE